IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WA.No. 3488 of 2001(D)

AGAINST THE JUDGEMENT/ORDER IN OP.2455/2001 Dated 02/07/2001
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APPELLANT:PETITIONER IN THE OP

NARAYANA KURUP,
S/O LATE NANU KURUP,
KOPPARA HOUSE,
MANAM NAGAR P.O.
(VIA) PANDALAM, PATHANAMTHITTA.

BY ADV. DR.RAVINDRAN NAIR
SRI.BOBY MATHEW
SMT.K.MEERA

RESPONDENTS:RESPONDENTS IN THE OP
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1. OFFICER IN CHARGE RECORDS,
THE MADRAS REGIMENT,
WILLINGTON, NILIGIRIS
PIN 643 231,
TAMILNADU.

2. CHIEF CONTROLLER OF DEFENSE ACCOUNTS (PENSION),
ALLAHABAD, U.P.

3. CHIEF OF ARMY STAFF BRANCH,
ARMY HEADQUARTERS,
THE DIRECTORATE OF INF6(PERS)

BY ADV. SRI.A.SUDHI VASUDEVAN, ADDL.CGSC FOR R1 TO R3

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.
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W.A. NO. 3488 OF 2001
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Dated this the 10th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

This is a case where the appellant was discharged from Army since he was found medically unfit, on 12/5/1962. He is seeking a direction to grant him disability pension after a period of 40 years, after his discharge from Army. Respondents have taken up the stand that the file pertaining to the petitioner is not available as the same has been destroyed. Learned Single Judge dismissed the original petition on the ground of delay. We find no reason to take a different view as that of the learned Single Judge. Writ appeal lacks merits and the same stands dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp